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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/498,950	02/04/2000	Jake B. Carpenter	B0932/7134	9504

7590 09/03/2004

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Boston, MA 02210-2211

EXAMINER
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VANAMAN, FRANK BENNETT

ART UNIT	PAPER NUMBER
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3618

DATE MAILED: 09/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/498,950

Applicant(s)

CARPENTER ET AL.

Examiner

Frank Vanaman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 August 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-119 is/are pending in the application.
- 4a) Of the above claim(s) 30-35 and 51-55 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 23-29, 36-50, 56-84, 87 and 105-119 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 5-8, 10-14, 17-20, 22, 85-86, 88-90, 93-94, 96-98, 101, 102, 104 is/are rejected.
- 7) ☒ Claim(s) 3, 4, 9, 15, 16, 21, 91, 92, 95, 99, 100 and 103 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **Continued Examination Under 37 CFR 1.114**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submissions filed on July 20, 2004 and August 13, 2004 have been entered.

### **Status of Application**

2. Claims 1-119 are pending, claims 30-35 and 51-55 being withdrawn from consideration; claims 105-119 having been newly added.

### **Claim rejections 35 USC 102**

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. The examiner apologizes for an error in interpretation resulting in not previously applying the reference to Hansen et al. to the following claims under 35 USC 102.

5. Claims 1, 2, 5-8, 10, 11, 13, 14, 17-20, 22, 85, 86, 88-90, 93, 94, 96-98, 101, 102, 104 are rejected under 35 U.S.C. 102(e) as being anticipated by Hansen et al. (US 5,918,897). Hansen et al. teach a system for attaching a snowboard boot (2) including a base plate (3, 4), a flexible unitary binding strap (5, 6 and 10) having a boot shaped contour and which includes a slit-shaped pocket (portion 10) which forms with the strap, an internal opening (interior face of the external surface of 10, for example) having a top, bottom and sides, a further strap (8, 9, 11) with one end (e.g., 11) insertable through the pocket, the portion of the strap in the pocket corresponding to the contour of the strap 5, 6, 10), the other end connected to a binding base portion (through 7, 12, 13), still further strap elements (29, 30) connectable to the binding strap (through 7' and 13, figure 4) and arranged to further contact the strap by resting thereon (e.g., figure 4), the positions of the strap 5, 6, 10 and further strap elements 29, 30 may be varied with respect to the strap to the breadth claimed, in that the upper surface of 5, 6 may attain a different elevation than the underside of 29, 30; one end of each of the still further strap elements connected to the base (and thence also to the binding strap), the other ends

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connected to a pair of buckles (27, 28) which also engage strap 8, 9, 11; the portions 8, 9 of the straps and the engaged portions of the buckles 27, 28 constituting mating features to the breadth claimed; the buckles 27, 28 being mounted to the strap 5, 6, 10 through portions 29, 30, 7' and 4; each of the strap elements being mounted so as to move in longitudinal directions with respect to the other strap elements to the extent claimed.

### **Claim rejections 35 USC 103**

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hansen et al. The reference to Hansen et al is discussed above, and fails to explicitly teach the provision of a second pocket. In view of Hansen et al.'s having provided a pair of strap portions located in the pocket portion (10 of strap 5/6), it would have been obvious to one of ordinary skill in the art at the time of the invention to provide separate pockets for each strap portion for the purpose of preventing snarling or crossing of the two strap portions (e.g., portions 8, 9).

### **Allowable subject matter**

8. Claims 23-29, 36-50, 56-84, 87 and 105-119 are allowed

9. Claims 3, 4, 9, 15, 16, 21, 91, 92, 95, 99, 100 and 103 are objected to as being dependent from a rejected base claim, but would be allowable if re-written in independent form to include the limitations of the base claim and all intervening claims.

10. Applicant is reminded that claims 30-36 and 51-55 are withdrawn from consideration as noted above.

### **Response to Arguments**

11. Applicant's arguments directed specifically to the combination of the references to Hansen et al. and Victor have been considered and are persuasive. Applicant is reminded that while drawings diagramming the claims may be helpful in an understanding of the material recited in the claims, the scope of protection desired by a claim is defined by the recitation of that claim.

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### Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to F. Vanaman whose telephone number is 703-308-0424. Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is 703-308-1113.

As of May 1, 2003, any response to this action should be mailed to:

Mail Stop \_\_\_\_\_  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450,

Or faxed to one of the following fax servers:

Regular Communications/Amendments: 703-872-9326  
After Final Amendments: 703-872-9327  
Customer Service Communications: 703-872-9325

**F. VANAMAN**  
**Primary Examiner**  
**Art Unit 3618**

A handwritten signature in black ink, appearing to read 'F. Vanaman', followed by the date '8/30/04'.